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10/627,144

07/25/2003

William Helms

83,634

3903

69282

7590

03/13/2008

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EXAMINER

HARPER, LEON JONATHAN

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



<b>Office Action Summary</b>	<b>Application No.</b> 10/627,144	<b>Applicant(s)</b> HELMS, WILLIAM	
	<b>Examiner</b> Leon J. Harper	<b>Art Unit</b> 2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 15-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 15-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/21/2006</u> .   | 6) <input type="checkbox"/> Other: _____                          |



## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/9/2007 has been entered. Claims 1 and 6 have been amended. No claims have been added or cancelled. Accordingly, claims 1-6 and 15-19 are pending in this office action.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.



4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-6, 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5970475 (hereinafter Barnes)(art of record) in view of US 6768994 (hereinafter Howard) and in further view of US 6901377 (hereinafter Rose).

As for claim 1, Barnes discloses: collecting data relating to third parties (See column 9 lines 49-51) third party assets software modifications (See column 7 lines 1-5), tasks (See column 22 lines 37-41),

Barnes however does not explicitly disclose: asset repair processes, asset storage, at least one federal appropriation related task funding code, repair cost, and warranties; incorporating the collected data into a structured relational database', and providing a graphical user interface including a plurality of single-click buttons for initiating a user-defined query that allows a user to access the collected data, manipulate the collected data, and selectively display a current status of the assets of the third party Rose however does disclose: new, in process completed task (See column 4 lines 19-21) asset repair processes (See column 2 lines 63-66), at least one federal appropriation task funding code (See column 5 lines 38-40), repair cost and warranties (See column 2 line 65); incorporating said collected information into a structured relational database (See column 6 lines 62-66), providing a graphical user interface including a plurality of single-click buttons for initiating a user-defined query that allows a user to access the collected data, manipulate the collected data, and selectively display a current status of the assets of the third party. (See column 3 lines



40-47). Howard discloses: asset storage (See column 2 lines 15-20 and 30-40), and such that said interface is adaptable to constantly changing user requirements (See figure 34 and column 16 lines 1-15). It would have been obvious to an artisan of ordinary skill in the pertinent art to have incorporated the teachings of Rose and Howard into the system of Barnes. The modification would have been obvious because it has historically been difficult for manufacturers of equipment to provide services for their clients (See Rose column 1 lines 16-17). Also large companies sometimes have employees handling the ordering or parts or handling the repair and warranty process, and the overhead associated with not having a centralized database can cost parties millions of dollars a year (See Barnes column 1 lines 48-51).

As for claim 2 the rejection of claim 1 is incorporated, and further Barnes discloses: assigning one of a plurality of levels of access rights to the user (See column 8 lines 42-47).

As for claim 3 the rejection of claim 1 is incorporated, and further Howard discloses real-time performance (See column 3 lines 20-30 and column 9 lines 30-35).

As for claim 4 the rejection of claim 1 is incorporated, and further Rose discloses: constructing data files from said collected information on-the-fly (See column 4 lines 12-19).



As for claim 5 the rejection of claim 1 is incorporated, and further Barnes discloses: collecting data of constantly changing third party/customer information (See column 10 lines 4-6).

As for claim 6 Barnes discloses: means for collecting data that characterizes third parties/customers, third party assets, software modifications, (See column 9 lines 49-51 and column 7 lines 1-5, and See column 22 lines 37-41), a first data storage record for storing the collected data relating to third parties (See column 9 lines 49-51); a second data storage record for storing the collected data relating to third party/customer assets- (column 7 lines 1-5) a third data storage record for storing the collected data relating to software modifications (See column 22 lines 37-41); a

Rose however does disclose: new, in-process, and completed tasks, a fourth data storage record for storing the collected data relating to new tasks, a fifth data storage record for storing the collected data relating to in-process tasks; a sixth data storage record for storing the collected data relating to completed tasks; (See column 5 lines 8-35 note this is all done by the overhaul communication module) asset repair processes, a seventh data storage record for storing the collected data relating to asset repair processes; (See column 2 lines 63-66), task funding, and , a ninth data storage record for storing the collected data relating to task funding (See column 5 lines 38-40), and warranties, a tenth data storage record for storing the collected data relating to asset warranties (See column 2 line 65); at least one graphical user interface having a plurality of single-click buttons for initiating one of said plurality of user-definable



queries', and a computer for maintaining said first through said tenth data storage records and said plurality of user-definable queries and allowing a user to access, manipulate, and display selected structured data indicating the current status of third party assets located in a military repair/supply depot. (See column 3 lines 40-47).

Howard however discloses: asset storage, and an eighth data storage record for storing the collected data relating to asset storage (See column 2 lines 15-20 and 30-40) and such that said interface is adaptable to constantly changing user requirements (See figure 34 and column 16 lines 1-15). It would have been obvious to an artisan of ordinary skill in the pertinent art to have incorporated the teachings of Rose and Howard into the system of Barnes. The modification would have been obvious because it has historically been difficult for manufacturers of equipment to provide services for their clients (See Rose column 1 lines 16-17). Also large companies sometimes have employees handling the ordering or parts or handling the repair and warranty process, and the overhead associated with not having a centralized database can cost parties millions of dollars a year (See Barnes column 1 lines 48-51).

As for claim 14 the rejection of claim 6 is incorporated, and further Barnes discloses: a log in graphical user interface (See column 18 lines 28-31).

As for claim 15 the rejection of claim 6 is incorporate, and further Barnes discloses: a plurality of levels of user access rights (See column 8 lines 42-47).]



As for claim 16 the rejection of claim 15 is incorporated, and further Barnes discloses: said plurality of levels of user access rights includes at least one or more administration level (See figure 13 and column 16 lines 38-40).

As for claim 17 the rejection of claim 16 is incorporated, and further Barnes, Rose, and Rad differs from the claimed invention in that wherein a level of user access right: is selected from the group consisting of administration, production controller administration, production controller, technician, logistics, engineering, and guest. However it would have been obvious to an artisan of ordinary skill in the pertinent art at the time the invention was made to have incorporated a level of user access rights consisting of the group, administration, production controller administration, production controller, technician, logistics, engineering, and guest. The modification would have been obvious because different levels of access will determine what changes the user can and cannot make to the system (See Barnes column 9 lines 46-48 "setting up users and setting their details).

As for claim 18 the rejection of claim 6 is incorporated, and further Howard discloses real-time performance (See column 3 lines 20-30 and column 9 lines 30-35).

As for claim 19 the rejection of claim 6 is incorporated, and further Rose discloses: constructing data files on-the-fly (See column 4 lines 12-19).



### ***Response to Arguments***

Applicant's arguments filed 11/9/2007 have been fully considered but they are not persuasive.

#### **Applicant argues:**

Barnes, Howard and Rosenfeld do not disclose each element of the combinations recited in claims 1-s. For example, amended claim 1 recites, inter alia, 'a method for collecting, accessing, manipulating, and selectively displaying data, said method comprising the steps of... collecting data relating to .at least one federal appropriation related task funding code repair cost At " The Office Action on page 5 acknowledges that Barnes does not disclose "task funding", but contends that Rosenfeld at Col. 5, lines 38-40 discloses "task funding", in fact, Rosenfeld actually discloses "cost estimates". To clarify this distinction, claim 1 has been amended to clearly distinguish claim 1 over Barnes and Rosenfeld. Accordingly, claim 1 is allowable for the above reasons and for others.

#### **Examiner responds:**

Examiner is not persuaded. Examiner is entitled to give claim limitations their broadest reasonable interpretation in light of the specification. Interpretation of Claims- Broadest Reasonable Interpretation During patent examination, the pending claims must be 'given the broadest reasonable interpretation consistent with the specification.' Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be



interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969). In this case the only limitation required by the claim is collecting data relating to .at least one federal appropriation related task funding code repair cost. Cost estimates are related data.

**Applicant argues:**

No such teaching, suggestion or motivation is present in the cited references. Without using the present claims as a roadmap, it would not have been obvious to make the multiple, selective modifications needed to arrive at the claimed invention from the cited references. The rejections are based on an impermissible hindsight reconstruction of the present invention from the cited references that is not based on an "apparent reason to combine the known elements in the fashion claimed by the patent at issue." See KSR. There is not an "apparent reason" to combine the references in the manner suggested by the Office Action. The suggestive power of the references must be weighed and used to determine whether there is an adequate or apparent suggestion or motivation to combine the references to reach a claimed combination. See KSR and MPEP ~214.S.01, Suggestion or Motivation to Modify the References. The reason offered by the Office Action refer to the most general and vague motivations of difficulty of providing services for clients, a statement that large companies have employees handling repair and warranty processes and costly overhead associated with a failure to have a centralized data base.

**Examiner responds:**

Examiner is not persuaded. In response to applicant's argument on pages 5-7, *a prima facie case of obviousness* is established when the teachings from the prior



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art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art. Once such a case is established, it is incumbent upon appellant to go forward with objective evidence of unobviousness. In re Fielder, 471 F.2d 640, 176 USPQ 300 (CCPA 1973).



### **Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leon J. Harper whose telephone number is 571-272-0759. The examiner can normally be reached on 7:30AM - 4:00Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*LJH*  
*Leon J. Harper*  
*February 25, 2008*

/Hosain T Alam/

Supervisory Patent Examiner, Art Unit 2166